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AUG 08 2003

OFFICE OF PETITIONS

In re Application of
Stephen J. Brown
Application No. 09/625,080
Filed: July 25, 2000
For: AGGREGATING AND POOLING
INFORMATION IN A COMMUNICATION
SYSTEM WITH FEEDBACK

ON PETITION

This is a decision on the petition filed July 28, 2003, to revive the above identified application under 37 CFR 1.137(b).¹

The petition is **GRANTED**.

This application became abandoned on November 14, 2000 for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed September 13, 2000, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed May 9, 2002.

A review of the file reveals that a petition under 37 CFR 1.137(a) was filed June 13, 2003 and dismissed in a decision dated June 24, 2003. It appears that the declaration from the parent case was filed November 7, 2000 but with the wrong serial number and has only now been matched with the file. Thus, the declaration was not timely filed in the instant matter and therefore the application was appropriately abandoned.

This application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A **grantable** petition filed under the provisions of 37 CFR 1.137(b) **must** be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).